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EXAMINER

TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/985,867

Applicant(s)

GRASON ET AL.

Examiner

Nghi V Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 and 33-46 is/are pending in the application.
- 4a) Of the above claim(s) 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 and 33-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/03/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites the limitation "the second application" in page 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-2, 8-12, and 42-44 are rejected under 35 U.S.C. 102(b) as being anticipated by Dasan, U.S. Patent No. 5,761,662.

5. With respect to claim 1, Dasan teaches a system for distributing one or more news stories to a reader [see abstract and fig.4], comprising:

- a computer accessible to the reader [100 i.e. client], the computer having a display device [col.5, Ins.8-21] viewable by the reader;
- a web browser [200] executing on the computer, the web browser having a graphical user interface [figs. 6, 8, and 10];
- a list of titles [1106 and 1008 i.e.] corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface;
- a selection device [322 and 323] used by the reader to select one of the news stories to view [col.8, Ins.16-21];
- a news story rendering application [400 i.e. newspaper generator] executing on the computer that uses the title of the news story selected by the reader to access a news story rendering file [220 i.e. CGI] that instructs the web browser how to display data in the graphical user interface [col.8, Ins.33-37], and to access a news story data file [420, 430, and 440 i.e. raw news] that contains the data associated with the news story, wherein the news story is rendered so that it is viewable in the graphical user interface in accordance

with the instruction in the news story rendering file and the data in the news story data file [col.2, Ins.1-54].

6. With respect to claim 2, Dasan further teaches an authoring tool [400 i.e. newspaper generator] for generating the news story [col.8, Ins.22-39].
7. With respect to claims 8 and 42, Dasan teaches a method for distributing one or more news stories to a reader [see abstract and fig.4], comprising the steps of:
 - displaying a list of titles [fig.11] to a reader in a web browser executing on a computer accessible to the prospective reader;
 - accepting a selection of one of the news stories for rendering [i.e. generating] to the reader [col.8, Ins.22-39];
 - identifying a file comprising rendering information for the selected news story, the rendering information including a link to a rendering file [col.8, Ins.4-21];
 - determining the location of a data file comprising news story data for the selected news story from the rendering information [col.8, Ins.22-39]; and
 - rendering the news story to the reader in the web browser in accordance with the rendering file using the news story data [fig.4].
8. With respect to claim 9, Dasan further teaches the step of determining the location of the data file using a file name of the rendering file [col.8, Ins.22-39].

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9. With respect to claims 10 and 43, Dasan further teaches creating a news story [1014 i.e. "add more items to news profile"] using an authoring tool [fig.10].

10. With respect to claims 11 and 44, Dasan further teaches formatting [i.e. convert] text of the created news story [col.8, Ins.4-21 i.e. "the portion of the file containing the located article is parsed so as to be converted in to an individual ASCII file which is resident on the server"].

11. Claims 15-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Anuff et al., U.S. Patent No. 6,327,628 (hereinafter Anuff).

12. With respect to claim 15, Anuff teaches a system for distributing news and other information in an information data file [see abstract and figs1-3], comprising:

- a first computer [10a, 10b, or 10c] having a first display [col.16, ln.43 - col.17, ln.19 i.e. administration panel] on which the information data file is created [fig.2];
- a holding area into which the information is stored prior to being approved for roll out [col.16, Ins.9-27 and fig.10 i.e. "edit news module"];
- a staging area into which the information data file is stored after being approved for roll out [fig.3 i.e. data storage];
- a news feed area [i.e. SQL database] into which the information data file is stored after roll out [col.4, Ins.16-32];

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- a second computer [10a, 10b, or 10c] having a second display [fig.2 i.e. browser without administration panel] that executes a web browser, the web browser having a link to a data file [i.e. selection of headlines], the link data file comprising a link to a view file [col.4, lns.6-14 i.e. "a view file" is interpreted as "news sources"], the view file comprising rendering instructions [col.4, lns.33-45 i.e. JSP or ASP] for rendering the information data file on the second display; and
- an application executing on the second computer, the second application comprising means for determining a location of the information data file from the link data file and means for rendering the information data file on the second display in accordance with the rendering instructions [figs.2-3 and col.4, lns.6-45].

13. With respect to claim 16, Anuff further teaches an authoring tool [27 i.e. edit] for creating the information data file [col.16, ln.44 - col.17, ln.19].

14. With respect to claim 17, Anuff further teaches the authoring tool comprises text formatting [fig. 10 and col.13, ln.53 - col.14, ln.30 i.e. "text formatting" is interpreted as "users can add, remove, or edit the module"].

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15. With respect to claim 18, Anuff further teaches the authoring tool comprises means to create a link from entered text [fig. 10 and col.13, ln.53 - col.14, ln.30 i.e. "text formatting" is interpreted as "users can add, remove, or edit the module"].

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dasan as applied to claim 8 above, and further in view of Anuff et al., U.S. Patent No. 6,327,628 (hereinafter Anuff).

18. With respect to claim 12, Dasan further teaches the step of generating a rendering file in conformance with CGI view files.

However, Dasan is silent on generating a rendering file in conformance with JSP.

In a system for distributing one or more news stories to a reader, Anuff discloses generating a rendering file in conformance with JSP [col.4, ln.36].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Dasan in view of Anuff by generating a rendering file in conformance with JSP because JSP is slightly more advanced

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environment in performance, session management, error handling, portability, etc. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Dasan in view of Anuff in order to save such costly operations as opening database connections need to be done only once for many HTTP requests. On the other hand, CGI will startup and initialize the entire state of the CGI program.

19. Claims 3-7 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dasan as applied to claims 1, 8, and 42 above, and further in view of Dave Winer, "Scripting News 2.0b1," [http://my.userland.com/stories/storyReader\\$11](http://my.userland.com/stories/storyReader$11) (hereinafter Dave).

20. With respect to claims 3 and 13, Dasan is silent on an XML file. However, Dasan clearly teaches scripting news comprising a link to the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses an XML file [page 1 of 4 i.e. "an XML" is inherent as "RSS"].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Dasan in view of Dave by adding an XML file because XML-based standard for describing web content other than HTML which is understood by any browser. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Dasan in view of Dave in order to let web sites exchange content summaries and e-commerce data.

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21. With respect to claims 4 and 14, Dasan is silent on the XML file is an RSS file.

In a system for distributing one or more news stories to a reader, Dave discloses the XML file is an RSS file [page 2 of 4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Dasan in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Dasan in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

22. With respect to claim 5, Dasan is silent on the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file.

However, Dasan clearly teaches a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file [figs.11-12].

In a system for distributing one or more news stories to a reader, Dave discloses the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file [pages 1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Dasan in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Dasan in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

23. With respect to claim 6, Dasan further teaches a web-based authoring tool for allowing a contributor to generate news story [figs.10-11].

24. With respect to claim 7, Dasan further teaches the authoring tool comprises one or more formatting buttons [figs.8-10 i.e. "formatting buttons" is interpreted as "add to profile", "delete", "add" or "generate"].

25. Claims 19-31, 33-41, and 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anuff as applied to claim 15, and further in view of Dave Winer, "Scripting News 2.0b1," [http://my.userland.com/stories/storyReader\\$11](http://my.userland.com/stories/storyReader$11) (hereinafter Dave).

26. With respect to claims 20 and 28, Anuff is silent on the link data file complies with RSS.

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In a system for distributing one or more news stories to a reader, Dave discloses the link data file complies with RSS [page 2 of 4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Anuff in view of Dave by adding RSS because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Anuff in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

27. With respect to claims 22, 29, 35, 41, and 45-46, Anuff teaches a method for distributing news and other information in an information data file [see abstract and figs.1], comprising the step of:

- creating the information data file [col.3, ln.58 - col.4, ln.5];
- storing the information data file in a holding area [fig.10];
- obtaining approval for the information data file [];
- transferring the information data file to a staging area [fig.3 i.e. data storage];
- rolling out the information data file to a news feed area, along with a view file comprising rendering instructions [col.6, lns.22-];
- rendering the information data file on a computer display according to the rendering instructions [col.6, ln.48 - col.7, ln.45].

However, Anuff is silent on storing a link to the view file in a link data file; determining a location of the information data file from information contained in the link data file; rendering the information data file on a computer display according to the rendering instructions.

In a method for distributing news and other information, Dave discloses storing a link to the view file in a link data file [page 2 of 4 i.e. <chanelLink>]; determining a location of the information data file from information contained in the link data file [i.e. <channelDescription>].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Anuff in view of Dave by storing a link to the view file in a link data file because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Anuff in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

28. With respect to claims 23 and 30, Anuff further teaches the step of editing the information data file prior to approval [fig.10].

29. With respect to claims 24 and 31, Anuff further teaches the step of formatting at least a portion of text contained in the information data file [fig. 10 and col.13, ln.53 -

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col.14, ln.30 i.e. "text formatting" is interpreted as "users can add, remove, or edit the module"].

30. With respect to claims 19, 25 and 33, Anuff further teaches the step of determining the location of the information data file using the link of the view file [fig.3 and col.4, lns.16-32 i.e. "class libraries connect to other servers and use other resource as needed"].

31. With respect to claim 26, Anuff further teaches the step of rolling the information data file out over a computer network [col.3, lns.40-67 i.e. "resources are available from one or more of the servers"].

32. With respect to claims 34 and 40, Dave further teaches means for extracting and rendering a predetermined number of sentences from the information data file [Dave, page 1 of 2 of "My.UserLand XML files and archives"].

33. With respect to claim 36, Anuff further teaches an authoring tool [i.e. "edit news module"] for creating the news story data file [fig.10 and col.16, lns.43-67].

34. With respect to claim 37, Anuff further teaches text formatting buttons for formatting at least a portion of text of the news story data file [col.16, lns.43-67 and col.4, lns.6-14 i.e. "user can edit the content of individual modules"].

35. With respect to claims 21, 27, and 38, Anuff is silent on an XML file.

In a system for distributing one or more news stories to a reader, Dave discloses an XML file [page 1 of 4 i.e. "an XML" is inherent as "RSS"].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Anuff in view of Dave by adding an XMLfile because XML-based standard for describing web content other than HTML which is understood by any browser. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Anuff in view of Dave in order to let web sites exchange content summaries and e-commerce data.

36. With respect to claim 39, Anuff is silent on the link data file complies with RSS.

In a system for distributing one or more news stories to a reader, Dave discloses the link data file complies with RSS [page 2 of 4].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Anuff in view of Dave by adding RSS because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Anuff in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

Conclusion

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. "Programmatic management of software resources in a content framework environment," by Fletcher et al., U.S. Patent Application Publication No. 2003/0055878.

b. "Method and system for identifying a selectable portion of a digital version of a mass-produced printed paper," by Taylor, U.S. Patent No. 6,850,260.

c. "System for updating a set of instantiated content providers based on changes in content provider directory without interruption of a network information services," by Lieberman, U.S. Patent No. 6,516,349.

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran
Patent Examiner
Art Unit 2151

NT


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